

Hayes & Martohue, P.A.

ATTORNEYS AND COUNSELORS AT LAW
WITTNER CENTRE EAST
5959 CENTRAL AVENUE

SUITE #104

ST. PETERSBURG, FLORIDA 33710

MAILING ADDRESS:

POST OFFICE BOX 14488

ST. PETERSBURG, FLORIDA 33733-4488

(727) 381-9026

FAX (727) 381-9025

WRITER'S E-MAIL ADDRESS:

dilmart@tampabay.fl.com

GEORGE L. HAYES III
DEBORAH L. MARTOHUE
KATHIE JO MALTI*

*ATTORNEY & MBA

April 12, 2004

VIA HAND DELIVERY

Diane O'Quinn Williams
Director of Planning and Zoning
Miami-Dade County
Stephen P. Clark Center
111 N.W. 1st Street, 11th Floor
Miami, Florida 33128

RE: File No.: 2003-00353

T-Mobile

Folio # 3020110160010

Property Location: 7660 N.W. 186th Street, Miami, Florida 33015

Dear Ms. Williams:

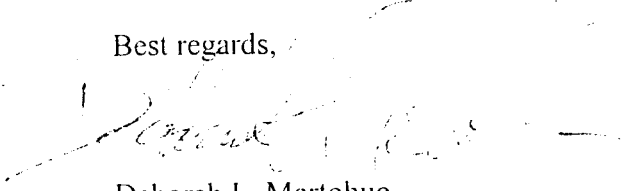
This law firm represents T-Mobile in the above-captioned application scheduled for public hearing before Community Zoning Appeals Board 5 on April 22, 2004. Pursuant to Section 33-311(D) of the Miami-Dade Zoning Code, please accept this letter as written notification to the Director in accordance therewith that the Applicant, T-Mobile, intends to admit into evidence expert opinion testimony from the individuals listed below:

1. Stephen R. Emberlin may be offering expert opinion testimony as a real estate expert in matters of valuation and valuation impact of the proposed application. Attached hereto as Exhibit A is Mr. Emberlin's statement of qualifications.
2. Ana Sofia Dones may offer expert opinion testimony as a radio frequency engineer relating to subject areas of radio frequency, engineering and propagation for the captioned application. Attached hereto as Exhibit B is Ms. Dones' statement of qualifications as well as the propagation maps upon which Ms. Dones' testimony will rely.

Ms. O'Quinn Williams
April 12, 2004
Page 2 of 2

By copy of this letter to Fred Endara and Judith Rawls, I am requesting that this letter be filed in the captioned zoning application file. Should you have any questions, please do not hesitate to contact me at (727) 381-9026.

Best regards,



Deborah L. Martohue

Enclosures

Cc: Mr. Fred Endara, Zoning Specialist
Ms. Judith Rawls, Zoning Evaluator
Mr. Armando Fernandez, Real Estate and Zoning Manager, T-Mobile
Mr. Mike Mejido, Zoning Specialist, T-Mobile

Hayes & Martohue, P.A.

ATTORNEYS AND COUNSELORS AT LAW

WITTNER CENTRE EAST

5959 CENTRAL AVENUE

SUITE #104

ST. PETERSBURG, FLORIDA 33710

MAILING ADDRESS:

POST OFFICE BOX 14488

ST. PETERSBURG, FLORIDA 33733-4488

GEORGE L. HAYES III

DEBORAH L. MARTOHUE

KATHIE JO MALTI*

*ATTORNEY & MBA

(727) 381-9026

FAX (727) 381-9025

WRITER'S E-MAIL ADDRESS:

dalmart@tampabay.rr.com

April 8, 2004

VIA FACSIMILE (305) 679-7548 & U.S. MAIL

Ms. Judith Rawls

Zoning Evaluator, Miami-Dade Planning Department

Stephen P. Clark Center

111 N.W. 1st Street, 11th Floor

Miami, Florida 33128

RE: File #2003-00353

Applicant: Gefen, Inc./T-Mobile

Folio #3020110160010

Property Location: 7660 N.W. 186th Street, Miami, Florida 33015

Dear Judith:

As you are aware, this law firm represents T-Mobile in the captioned application. As a follow-up to our conversation earlier this afternoon, please accept this letter as T-Mobile's written request that the captioned application be evaluated under the ordinance criteria set forth in Section 33-311(A)(18) entitled Wireless Supported Service Facilities adopted July 8, 2003. T-Mobile is specifically declining to be evaluated in the alternative under the general Special Exception criteria set forth in the Zoning Code. For your ready reference and convenience, I have enclosed my letter to Fred Endara dated January 14, 2004 which provides for an overview and justification of the captioned application under Section 33-311(A)(18). If you have any further questions, please do not hesitate to contact me at (727) 381-9026. I will be following up with you on Monday to resolve our discussions regarding the public works comments relating to the fence issue.

Best regards,



Deborah L. Martohue

RECEIVED
APR 14 2004

DEPT. OF PLANNING & ZONING
ZONING EVALUATION SECTION
BY 

Ms. Rawls
April 8, 2004
Page 2 of 2

Enclosures

Cc: Mr. Armando Fernandez, Real Estate and Zoning Manager, T-Mobile
Mr. Mike Mejido, Zoning Specialist, T-Mobile

Hayes & Martohue, P.A.

ATTORNEYS AND COUNSELORS AT LAW
WITTNER CENTRE EAST
5959 CENTRAL AVENUE

SUITE #104

ST. PETERSBURG, FLORIDA 33710

MAILING ADDRESS:

POST OFFICE BOX 14488

ST. PETERSBURG, FLORIDA 33733-4488

GEORGE L. HAYES III
DEBORAH L. MARTOHUE
KATHIE JO MALTI*
*ATTORNEY & MBA

(727) 381-9026

Fax (727) 381-9025

Writer's e-mail address:

dalmart@tampabay.rr.com

January 14, 2004

VIA HAND DELIVERY

Mr. Fred Endara
Zoning Hearing Specialist
Zoning Hearing Section
Stephen P. Clark Center
111 N.W. 1st Street, 11th Floor
Miami, FL 33128

203-353
RECEIVED
JAN 14 2004

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT
BY

RE: File No. 2003-00353
 ./T-Mobile
 Folio No. 3020110160010
 Property Location: ~~7660~~ N.W. 186th Street, Miami, Florida 33015
 7600

Dear Fred:

As a follow-up to my correspondence to you dated December 24, 2003 and our telephone conversation January 5, 2004, this letter shall amend and supplement T-Mobile's original letter of intent dated November 15, 2003, and change the request to a special exception from an unusual use application to permit a stealth flagpole wireless communications facility at the Property location referenced above. Enclosed please find an original and 10 copies of the following filed as supplemental application information for the above-captioned amended request:

1. NEPA Report prepared by ATC dated August 11, 2003;

2. Radio Frequency Engineer Affidavit providing evidence of necessity for the stealth flagpole communications facility proposed at the above-captioned location in accordance Section 33-311(18)(a)4;
3. T-Mobile's FCC license;
4. Revised Plans showing a revised fence detail to comply with ordinance requirements;
5. Letter from Michael Mejido to Elva Marin dated November 11, 2003, re: Dade County tower located at 7750 N.W. 186 Street, Miami, FL 33015;
6. Letter from Steve Morin, Site Acquisition Specialist, T-Mobile, to Fred Endara, dated January 9, 2004, regarding site candidate analysis;
7. T-Mobile's letter requesting collocation letters of intent from other providers of wireless service with proof of mailing attached; and
8. Miami-Dade Response to E911 Wireless Service Provider Reporting Form Supplemental Report dated December 30, 2003 stating that the County "does not allow private cellular carriers on towers supporting public safety communications." (See pg. 2 of Response).

The above-captioned application meets and exceeds all of the criteria set forth in subsection (18) of the new Wireless Communications Ordinance adopted July 8, 2003. Please accept this letter as T-Mobile's written request to amend the application to change the request from an unusual use to a special exception request pursuant to the referenced Ordinance. The application for the proposed stealth camouflage flagpole ("facility") is consistent with the Comprehensive Development Master Plan. The proposed facility and related equipment complies with all underlying BU-1A zoning district lot coverage regulations. The proposed facility does not involve any outdoor lighting fixtures that cast light on any adjoining parcel of land because the facility is located in an approximate 811 square foot lease parcel contained within a five (5) acre parent tract developed as a retail shopping center known as the Country Club Shopping Center. Since the proposed facility is located within a shopping center, adequate parking, loading as well as ingress and egress is adequately provided for to serve this facility. (See sheet C-1 overall Site Plan parking calculations and site layout; see sheets C-2 and L-1 for proposed landscaping). Further, the proposed facility and access to it will not block any vehicular or pedestrian traffic on abutting streets since it is wholly contained within an existing parking lot. Please see attached site plan and aerials illustrating this condition.

The facility is located within 252 feet from the eastern property boundary, 124 feet from the western property boundary, 275 feet from the northern property boundary and 235 feet from the southern property boundary, thereby meeting and exceeding all setback requirements for for a 100 foot stealth flagpole wireless communications facility in a BU-1A zoning district. Further, in the event of structural failure, the failed portion of the facility will be contained within the parent tract. The fence proposed for the proposed facility will be constructed of wood material

with the unfinished side facing the interior of the lease parcel as required by the Ordinance. (See Revised Fence Detail shown on C-6 as revised on 01/09/04).

In accordance with the health criteria and safety standards of the Wireless Communications Ordinance, the proposed facility will not block vehicular and pedestrian traffic to or from adjacent uses or properties as it is located within a shopping center parking lot. Further, the proposed facility, due to its location within a parking lot, will be accessible to permit entry onto the property by fire, police and emergency services. This facility will comply with any applicable Miami-Dade County aviation requirements. Since the facility is located within a parking lot of a shopping center, and not located near any ingress or egress access points, site distance triangles are not affected pursuant to Section 33-11 of the Miami-Dade County Code.

The enclosed NEPA report demonstrates that the proposed facility will not result in the destruction of trees that have a diameter breast height of greater than 10 inches. Further, the proposed facility will not be located in an officially designated natural forest community; will not be located in an officially designated wildlife preserve; will not have a substantial deleterious impact on wildlife or protected plant species; will not affect district, sites, buildings, structures or objects of American history, architecture, archaeology, engineering or culture, that are listed in the National Register of Historic Places or applicable Miami-Dade County or State of Florida Historic Preservation regulations; and further, will not be located on an Indian Religious Site.

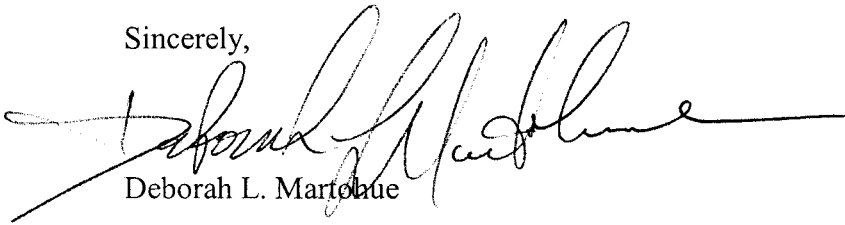
T-Mobile has designed this facility to accommodate its wireless communication equipment as well as the equipment of at least 3 other carriers, and thus, meets the requirement that any proposed Antenna Support Structure shall be designed to accommodate the collocation of at least two providers. Currently, T-Mobile has requested letters of intent from other interested wireless service providers regarding the above-captioned proposed facility. (See attached letter and proof of mailing).

All existing landscaping, vegetation, and trees will be maintained on site and enhanced in accordance with Miami-Dade County's streetscape program. (Please see landscape plan shown on sheet C-2 and L-1 provided in the original application submittal). In addition, in accordance with the declared intent of the ordinance, the proposed facility has been designated as a camouflage facility to minimize visualize impact. The stealth camouflage structure will resemble a flagpole and will utilize non-reflected galvanized finish or coloration to blend in with the natural environment unless Federal Aviation Administration paintings or markings are otherwise required. Since the facility is 100 feet in height, we do not anticipate the Federal Aviation Administration requiring any additional paintings or markings.

Mr. Endara
January 14, 2004
Page 4 of 4

In sum, the proposed application meets and exceeds all the requirements of the new Wireless Communications Ordinance adopted July 8, 2003 since the proposed facility is designed to resemble a flagpole and is located within an existing shopping center. After your review of the application, please contact me if you need any additional supporting documentation to complete the sufficiency review before forwarding it onto the zoning and evaluation section.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah L. Martohue", written over a horizontal line.

Deborah L. Martohue

Enclosures

Cc: Mr. Armando Fernandez, Real Estate and Zoning Manager
Mr. Mike Mejido, Zoning Specialist



Friday, January 09, 2004

RE: Public Hearing Unusual Use for Telecommunication Facility
Location: 7660 NW 186th street
Miami, Fl 33015
100' foot Flagpole installation

Latitude 25-56-26.8
Longitude 80-19-31.1

To Whom It May Concern:

T-Mobile is in the process of seeking an approval for a one hundred foot flagpole located at the above referenced address. We are writing you today to let you know that there is availability on the Flagpole as of now. If your company desires to co-locate to this facility after the approval we would definitely entertain this option. Please send us a letter in writing with your intent and we will send you a due diligence package with the specification.

If you have any other questions do not hesitate to contact me.

Thank you,

Michael Mejido
T-Mobile
Office 954-693-7149
Fax 954-693-7200
8100 SW 10th Street Suite 1000
Plantation, FL 33324



November 11, 2003

Elva R. Marin
Real Estate Manager
Miami-Dade County
111 N.W. 1st Street suite 2460
Miami Fl 33128
Phone: 305-375-5754
Fax: 305-375-1157
Email: R304@co.miami-dade.fl.us

RE: Dade County Tower
Location: 7750 NW 186 Street
Miami, Fl 33015

Dear Elva Marin:

I am writing you today to ask Miami-Dade County about the possibility of co-locating to their existing tower. Miami-Dade County has an existing tower located at the address referenced above, and it seems there is availability for other antennas. T-Mobile is looking to expand their coverage area within this specific area, and would like to add their antennas to this particular tower. We would be adding nine antennas to the tower and three equipment cabinets at the base of the tower. Co-Locating to this tower would greatly improve T-Mobiles service within the area.

We have searched for other possibilities in the area, and the Miami-Dade Tower is the perfect solution to our problem. We ask that you would consider T-Mobile co-locating to the Miami-Dade Tower, and respond to us in writing if this would be a possibility.

We thank you for your time in this matter and hope to hear from you soon.

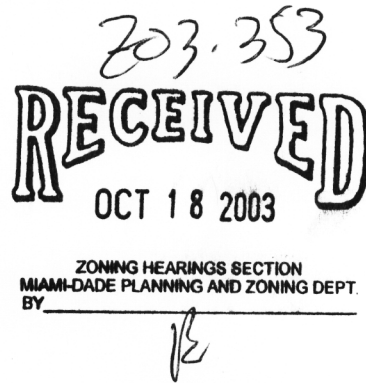
Thank you,

Michael J. Mejido
Zoning Specialist
T-Mobile – South Florida Market
8100 SW 10th Street, Suite 1000 Plantation, FL 33324
Email: mike.mejido@t-mobile.com
Desk (954) 693-7149
Fax (954) 693-7206
Mobile (954) 274-1853



Tuesday, November 04, 2003

Fred Endara
Zoning Hearing Specialist
Miami-Dade County
111 N.W. 1st Street suite 224
Miami FL 33128
Phone: 305-375-2640
Fax: 305-375-6096
Email: end@miamidade.gov



RE: Public Hearing Unusual Use for Telecommunication Facility
Location: 7660 NW 186th street
Miami, FL 33015

Dear Mr. Endara:

Please except this letter as justification for the above referenced project. T-Mobile is seeking a zoning approval for a Telecommunication Facility located at 7660 NW 186th Street. The Facility will consist of a 100' foot flagpole stealth design with some equipment cabinets located at the bottom. The Telecommunication site will be located in the middle of the shopping center and will use 4 parking spaces for the equipment area. The equipment area will be fenced and landscape to buffer the installation from public view. T-Mobile is working to increase their coverage area in this particular community. With the increasing number of customer, T-Mobile needs to meet the demands of the customer and provide essential E911 service to all customers. In conclusion the flagpole will also be able to contribute to the proliferation within the area by providing additional locations on the tower for other carriers.

Thank you for your time in this matter and hope to hear from you soon.

Regards,

Michael J. Mejido
Zoning Specialist
T-Mobile – South Florida Market
8100 SW 10th Street, Suite 1000 Plantation, FL 33324
Email: mike.mejdio@t-mobile.com
Desk (954) 693-7149
Fax (954) 693-7206
Mobile (954) 274-1853